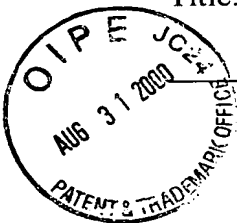


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application ) PATENT APPLICATION  
Inventor(s): Brian I. Marcus )  
Warren S. Heit )  
SC/Serial No.: 09/127,112 ) Art Unit: 3712  
Filed: 07/31/1998 ) Examiner: Rovnak, J.  
Title: CHARACTER RECOGNITION EDUCATIONAL )  
SYSTEM ) Customer No.: 23910



**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, DC 20231, on August 28, 2000.

(Attorney Signature)

Brian I. Marcus, Reg. No. 34,511  
Signature Date: August 28, 2000

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

***Enclosed with this statement are the following:***

- ✓ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ✓ A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

***This statement should be considered because:***

       This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within 3 months of the application filing date;  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114, whichever occurs last.

       Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)

-- AND (check at least one of the following) --

- (1) It is accompanied by the \$240 fee set forth in 37 C.F.R. §1.17(p)  
-- OR --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e)

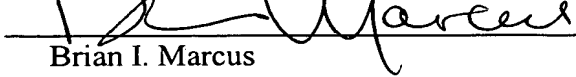
✓ Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

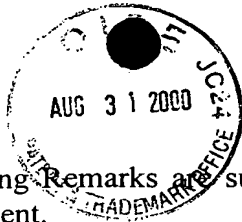
- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
-- AND --
- (2) It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);  
-- AND --
- (3) It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1);  
-- AND --
- (4) The Issue Fee has not yet been paid.

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,  
FLIESLER, DUBB, MEYER & LOVEJOY LLP

Date: August 28, 2000

By:   
Brian I. Marcus  
Reg. No. 34,511

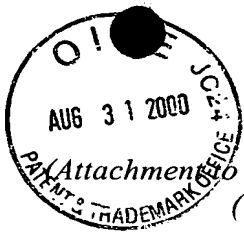


## REMARKS

The following Remarks are supplied as part of or in supplement to this Information Disclosure Statement.

## RELATED LITIGATIONS

The parent of the present application, U.S. Patent No. 5,823,782, is currently involved in a patent infringement litigation in the Northern District of California, case caption being Tinkers & Chance v. Zowie Entertainment, Inc. and Case No. being C99-4733-CAL.



STATEMENT

(Attachment to Information Disclosure Statement)  
(Use only if required)

- 37 C.F.R. §1.97(e)(1). THE UNDERSIGNED ATTORNEY HEREBY STATES THAT each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application where the communication was mailed not more than three months prior to the filing of this statement; or
- ✓ 37 C.F.R. §1.97(e)(2). THE UNDERSIGNED ATTORNEY HEREBY STATES THAT no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,

Date: August 28, 2000

By: \_\_\_\_\_

Brian I. Marcus  
Reg. No. 34,511

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